

### ARGUMENTS/REMARKS

Applicants would like to thank the Examiner for the careful consideration given the present application. The application has been carefully reviewed in light of the Office action, and amended as necessary to more clearly and particularly describe and claim the subject matter which applicants regard as the invention.

Claims 1-5 and 7-51 remain in this application. Claim 6 has been canceled.

Claims 1-6, 20-28, 30-35, 44-49, 51 (30-35), and 51 (44-49) are rejected under 35 U.S.C. 102(e) as being anticipated by Saylor *et al.* (US 6792086). Claims 7-12, 15, 18-19, 29, 36-39, 42-43, 50, 51(36-39), 51(42-43), and 51(50) are rejected under 35 U.S.C. 103(a) as being unpatentable over Saylor in view of Maes (US 6073101). Claims 13-14 were rejected under 35 U.S.C. §103(a) as being unpatentable over Saylor in view of Beyda *et al.* (U.S. 6,487,277). Claims 16-17, 40-41, and 51(40-41) were rejected under 35 U.S.C. §103(a) as being unpatentable over Saylor in view of Woods *et al.* (U.S. 6,510,417). For the following reasons, the rejection is respectfully traversed.

Saylor does not teach any uploading of a plurality of interactive voice response applications with executable components, where "said plurality of interactive voice response applications use a common speech recognition module, which includes user-specific speech models, for executing on said system" as recited in claim 1. Claim 30 recites "utilizing common user-specific speech models associated with said users".

The Examiner cites Saylor col. 20, line 64 to col. 21, line 45 as teaching uploading interactive voice response applications, but the cited references discuss only providing "content" (i.e., data) to the system. There is no teaching of providing executable applications in the cited sections.

Furthermore, the Examiner cites Saylor col. 26, lines 47-65 and/or col. 10, lines 15-38 as teaching a common speech recognition module. However, the cited section does not teach a common speech recognition module that includes "user-

specific speech models” as recited in the amended claim 1. The cited sections also do not teach any common “user-specific speech models” that are “associated with said users”. This is because Saylor neither teaches uploading a plurality of applications, nor teaches interacting a plurality of applications with a common speech module, nor teaches a common speech module including user specific speech models, and thus claims 1 and 30 are patentable over Saylor.

The Examiner cites Maes as teaching a common speech recognition module which “further uses common user-specific speech models (col. 6, line 47 to col. 7, line 10), wherein said system further comprises means for adapting said common speech models associated to a user during each dialogue between said user and each of said interactive voice response applications (col. 5, lines 7 to col. 6, line 67)”.

However, the cited sections do not teach using multiple applications using a common speech model that includes “user-specific speech models”. Although Maes may suggest user-specific speech models, it does not provide any teaching of multiple applications using a common speech model in the manner of the claim, and thus Maes cannot overcome the Saylor shortcomings. Accordingly, claims 1 and 30 are patentable over the combination of references as well.

Furthermore, claim 29 recites that said “common speech recognition module further uses common user-specific speech models”. Claim 50 recites similar limitations. Because none of the additional references overcome the inadequacies of the Saylor or Maes references, claims 1, 29, 30, and 50 are patentable over any combination of the cited references. The remaining claims, which depend, directly or indirectly, upon one of claims 1, 29, 30, and 50, are thus patentable over the references for at least the same reasons as their parent claims.

Furthermore, the Examiner has again not provided the proper motivation for combining the references, or making the suggested modifications. Merely stating that the references are analogous, and providing some generalized benefit provided by the teachings of the secondary reference, is not sufficient for a prima facie case of

obviousness; the Examiner must provide some more specific motivation for modifying the prior art reference to include that element.

The burden is on the Examiner to make a prima facie case of obviousness (MPEP §2142). To support a prima facie case of obviousness, the Examiner must show that there is some *suggestion* or *motivation* to modify the reference (MPEP §2143.01). The mere fact that references *can* be combined or modified, alone, is not sufficient to establish prima facie obviousness (*Id.*). The prior art must also suggest the *desirability* of the combination (*Id.*). The fact that the claimed invention is within the *capabilities* of one of ordinary skill in the art is not sufficient, by itself, to establish prima facie obviousness (*Id.*).

The Examiner has cited no support for any such suggestion or motivation for the combination from within the references, and neither does the Examiner provide any references supporting any motivation to modify the reference(s) by making the combination. Instead, the Examiner merely listed an advantage/benefit of the combination. This is not sufficient, as some rationale for combining the references must be found in the references themselves, or drawn from a *convincing line of reasoning* based on *established scientific principles* practiced by one skilled in the art that the advantage or beneficial result would be produced by the combination (MPEP §2144). Such motivation cannot be found in the application itself, as such hindsight is impermissible; the facts must be gleaned from the prior art. (MPEP §2142, last paragraph).

"To reach a proper determination under 35 U.S.C. 103, the examiner must step backward in time and into the shoes worn by the hypothetical 'person of ordinary skill in the art' when the invention was unknown and just before it was made [and] the examiner must then make a determination whether the claimed invention 'as a whole' would have been obvious at that time to that person." (MPEP §2142, emphasis added). It is not proper to merely combine various elements from various references. The invention must be obvious "as a whole", not as a piecemeal combination of elements from various references.

Accordingly, the rejections for obviousness are not supported by the Office action and thus the rejection is improper, and should be withdrawn.

In consideration of the foregoing analysis, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No. 33226.

Respectfully submitted,

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